

#554
1 BILL NO. Z-93-12-19.

2 ZONING MAP ORDINANCE NO. Z-Lush

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. K-18.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an B-4 (Roadside Business) District under the terms
9 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
10 of 1974:

11 The East 55 feet of Lot Numbered 4 in Hughes Addition, as
12 recorded in the plat thereof in the Office of the
13 Recorder of Allen County, Indiana.

14
15 and the symbols of the City of Fort Wayne Zoning Map No. K-18,
16 as established by Section 11 of Chapter 33 of the Code of the
17 City of Fort Wayne, Indiana are hereby changed accordingly.
18

19
20 SECTION 2. That this Ordinance shall be in full force
21 and effect from and after its passage and approval by the
22 Mayor.

23 Robert L. Lush
24 Councilmember

25 APPROVED AS TO FORM AND LEGALITY:

26 J. Timothy McCaulay
27 J. TIMOTHY MCCAULAY, CITY ATTORNEY
28
29
30
31
32

Read the first time in full and on motion by Quinn,
and duly adopted, read the second time by title and referred to the
Committee on Legislation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 19, the 19 day of 19 o'clock
M., E.S.T.

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Quinn,
and duly adopted, placed on its passage. ~~PASSED~~ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>1</u>	<u>8</u>		
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
GIAQUINTA		<u>✓</u>		
HENRY		<u>✓</u>		
LONG		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE		<u>✓</u>		
SCHMIDT	<u>✓</u>			
TALARICO		<u>✓</u>		

DATED: 1-11-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19 _____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19 _____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19 _____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 14903

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 11/15, 19 93

RECEIVED FROM H. G. Trimble \$ 200.00

THE SUM OF Two Hundred and 00/100 DOLLARS

ON ACCOUNT OF Reopening pet.

2720

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

Kathe Evans
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT.

RECEIPT NO. _____

DATE FILED _____

INTENDED USE Used car sales lot

THIS IS TO BE FILED IN DUPLICATE

XX/We H.J. Trimble and Mabel V. Trimble

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a ~~XXX~~ B4 District the property described as follows:

The East 55 feet of Lot numbered 4 in Hughes Addition, as recorded in the

plat thereof in the Office of the Recorder of Allen County, Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1121 Goshen Road

Fort Wayne, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

H.J. Trimble

6402 W. Wallen Ft. Wayne, IN
46818

Mabel V. Trimble

6402 W. Wallen Ft. Wayne, IN
46818

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. [REDACTED]

Name and address of the preparer, attorney or agent.

Ralph R. Blume
(Name)

809 S. Calhoun St. Ft. Wayne, IN 46802
(Address & Zip Code)

(219)423-3525
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

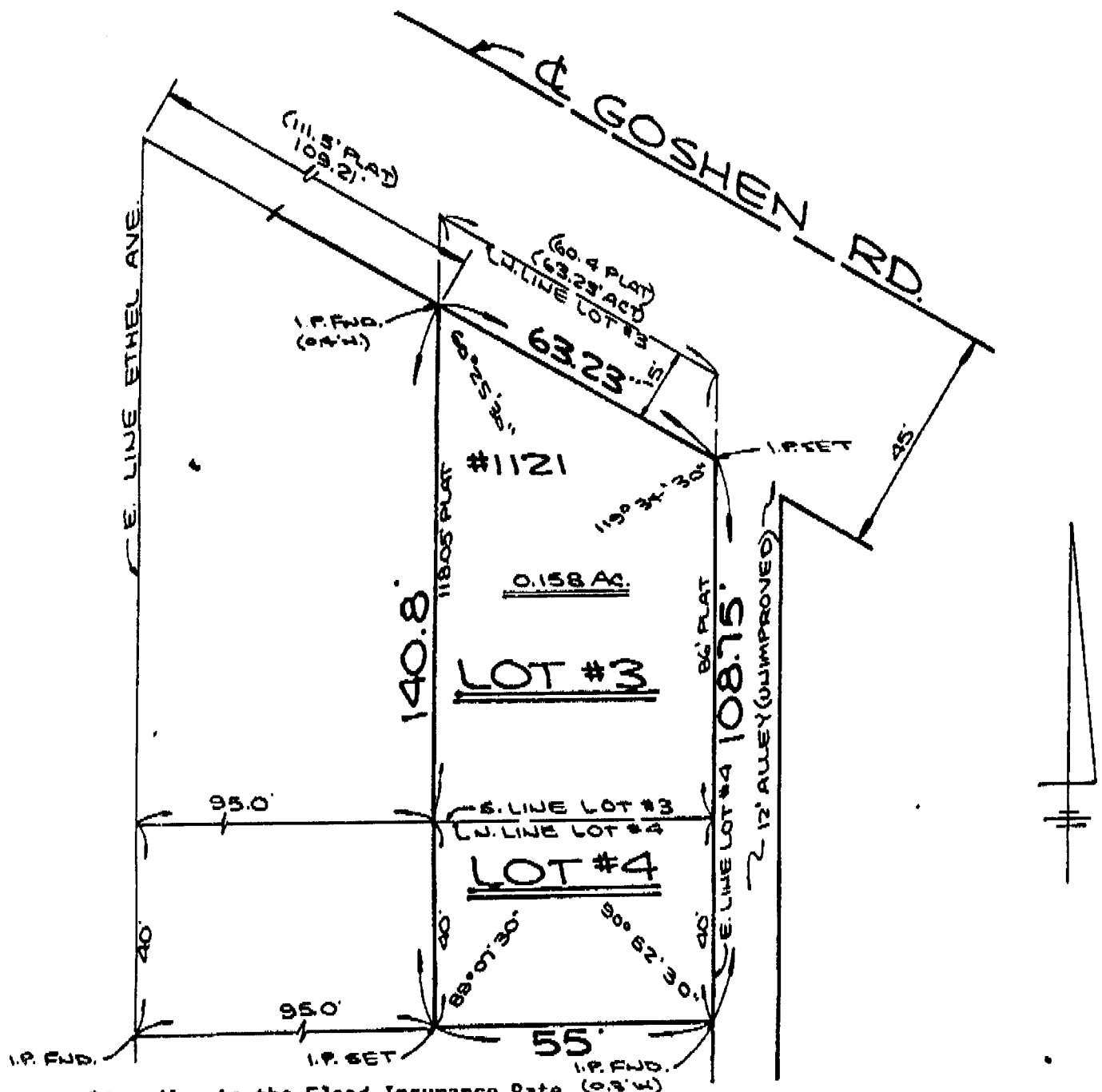
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
 FRANCIS X. MUELLER P.L.S. No. 50193 INDIANA
 GREGORY L. ROBERTS P.L.S. No. 50548 INDIANA
 FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

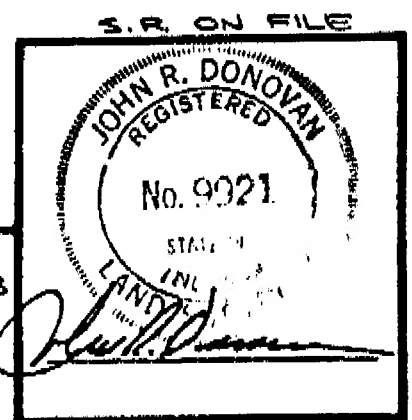
The description of the real estate is as follows, to wit: Lot Numbered 3, except that part taken for the widening of Goshen Road, together with the East 55.0 feet of Lot Numbered 4 in Hughes Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

JOB FOR: MIDWEST LIBERTY-TRIMBLE

1" = 30'
 9-30-93
 REV. 10-6-93



MISC

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 14, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-12-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 20, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

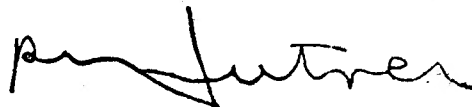
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 27, 1993.

Certified and signed this
29th day of December 1993.



Robert Hutner
Secretary

#554

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1121 Goshen Road

2-93-12-19.

EFFECT OF PASSAGE Property is currently zoned R-1 - Single

Family Residential. Property will become zoned B-4 - Roadside

Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single

Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

FACT SHEET

Z-93-12-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From R-1 to B-4

DETAILS**Specific Location and/or Address**

1121 Goshen Rd

Reason for Project

Used car sales lot.

Discussion (Including relationship to other Council actions)20 December 1993 - Public Hearing

See Attached Minutes of Meeting

27 December 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, seven (7) voted in favor of the motion, one (1) voted against the motion, one (1) did not vote. Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**H J & Mabel V Trimble
City Department

Other

Opponents**Groups or Individuals**Yvonne Reader, with the
Lincoln Pk Association**Basis of Opposition**

-rezoning would have a
negative effect on the
residential quality of life
in the area

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-approval could have a
negative effect on the
residential character of the
area

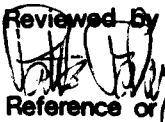
**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start	Date 15 November 1993
Projected Completion or Occupancy	Date 29 December 1993
Fact Sheet Prepared by Patricia Biancaniello	Date 29 December 1993
Reviewed By 	Date 4 January 1994
Reference or Case Number	

- a. Bill No. Z-93-12-19 - Change of Zone #554
From R-1 to B-4
1121 Goshen Road

Ralph Blume, attorney for the petitioners Mr. & Mrs. Trimble appeared before the Commission. Mr. Blume stated that they are requesting the change in order to use the property for a used car sales lot. He stated that a used car sales lot does not require a B-4 zoning, but a B-3-B, a less dense classification. He stated that they have asked for the B-4 zoning in order to remain consistent with the rest of the property that this parcel is a part of and the properties on Goshen Road. He stated that this parcel is only 55' x 40'. He stated that the petitioners own lot #3 which extends from the subject property all the way to Goshen Road. He stated that this was purchased as one parcel. He stated that when these lots were subdivided that part of the residential lot was attached to the frontage on Goshen Road, more than likely to give the lot more depth. He stated that on one side of this property is a Monty's Drive In and the other side is McDonald's Restaurant. He stated that they are wedged in between two fast food operations. He stated that Mr. Trimble would like to use that portion to be rezoned to put his office on and have the car display to the front of the lot. He stated that this is a lesser use than the restaurants that are on either side of the property, and as such, would have a lesser impact on the R-1 areas. He stated that the problem is that if the property is not rezoned this property would be landlocked. Mr. Trimble does not own the property that fronts on Ethel Street. The only access to this property is from the B-4 property off of Goshen Road. He stated that they are trying to do something that appears to be logical from a sense that they do not want to abandon this piece of property. He stated that this property is too small to build a home on per city specifications. He stated that Mr. Trimble would be willing to put in some type of buffer between the property and the residential properties to the south. He stated that he felt a used car lot was a much less intrusive use than drive in restaurants which are open long hours and have a high traffic volume. Mr. Blume stated that he had two letters to present to the Commission. One from the Lincoln Park Homeowners Association indicating that they have no objection to the rezoning as long as there is no business on Ethel Avenue. He stated that they also had a letter from Rosie O'Grady who is an officer of the Association saying she was confused by the fact that the sign was on the wrong property.

Don Schmidt asked why this piece of Lot #4 was included in the sale.

Mr. Blume stated that he does not know the history of the property. He stated that he was under the impression that perhaps it was added in order to give the property more depth.

Don Schmidt questioned if the remainder of Lot #4, the 40' x 95' portion was unimproved.

Mr. Blume stated that it was unimproved.

Mel Smith questioned what was located on Lot #3.

Mr. Blume stated that it is currently vacant.

Mel Smith questioned Mr. Blume if he had stated that both lots were purchased at the same time.

Mr. Blume stated that they were. It was the only way Mr. Trimble could purchase the property. Mr. Blume stated that he did not feel, even if someone purchased this portion of Lot #4, that the property would be developed as a single family residence. He did not feel anyone would want to build a home with a fast food restaurant as a neighbor.

Yvonne Reader, Board Member of the Lincoln Park Association appeared before the Commission. Ms. Reader stated that the main thrust of the association is to maintain the residential quality of the neighborhood. She stated that they have built a 5 acre park with a pavilion with the association's money. She stated that they have worked very hard to keep the residential quality of the neighborhood. Ms. Reader stated that she felt this property should at the very least be a buffer zone between the B-4 properties.

Mel Smith read a letter into the record from a Max & Shirley High, 2808 Stanford Avenue in opposition to the proposed rezoning.

Ralph Blume stated in rebuttal that the damage has been done in this area and that they are only trying to salvage a piece of property. He stated that he would be surprised that this rezoning is going to change the whole course of the neighborhood. He stated that was done years ago when McDonald's was put there and the other drive in restaurant on the corner.

Don Schmidt questioned if the property is too small for residential use what else does the staff expect to have happen with this property.

Wayne O'Brien, Planner II, with the C&ED stated that when the lot was split in half, it made both portions of lot #4 under sized and unable to meet the minimum lot requirements for residential development. He stated that staff would not consider either portion of Lot #4 to be suitable for building as a residential property. He stated that the concern is that if the Plan Commission and City Council would allow this rear portion of Lot #4 to be used commercially it would cause a domino effect in the area. He stated that something would have to be done with the front portion of Lot #4 and more than likely we would see it as someone wanting to come in and do something commercial. He stated that if that were to happen and the front portion of Lot #4 zoned commercially the only access would be from Ethel Avenue.

Don Schmidt questioned if this lot is too small for residential

development is it also too small for commercial development.

Mr. O'Brien stated that there is no minimum requirement for lot size for commercial development, only for residential uses.

Mr. Schmidt stated that he felt that the staff recommendation was stating that who ever owns the two lots (creating by subdividing Lot #4) is deemed forever with property that cannot be used.

Mr. O'Brien stated that he felt that their recommendation to the property owners is that the property needs to be rejoined so it can be used as a single family residence.

Mr. Schmidt questioned if staff actually believed that someone would build a single family residence on that property.

Mr. O'Brien stated that he felt that the neighborhood has shown a lot of pride in the way that the homes have been maintained. It stated that it clearly is not the \$100,000 or \$200,000 home area that we hear so much about, but it is good and very substantial building stock. He stated that close to Goshen Road there is extremely good access to the north or south. He stated that his personal opinion is that someone could use that property as residential. He stated that if no one would choose to do that, then he felt the lot should be left as an open area buffer.

Mr. Schmidt asked how many 40 foot lots there were in this area.

Mr. O'Brien stated that he would imagine most of the lots in the area are 40 foot wide. Mr. O'Brien stated that the lot before being divided was 40' by approximately 150' and would yield enough lot area for residential development.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

BILL NO. z-93-12-19

REPORT OF THE COMMITTEE ON

REGULATIONS

REBECCA J. RAVINE - CHAIR

MARK E. GiaQUINTA - CO - CHAIR

SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the City of
Fort Wayne Zoning Map No. K-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]

[Signature]

[Signature]
[Signature]
[Signature]

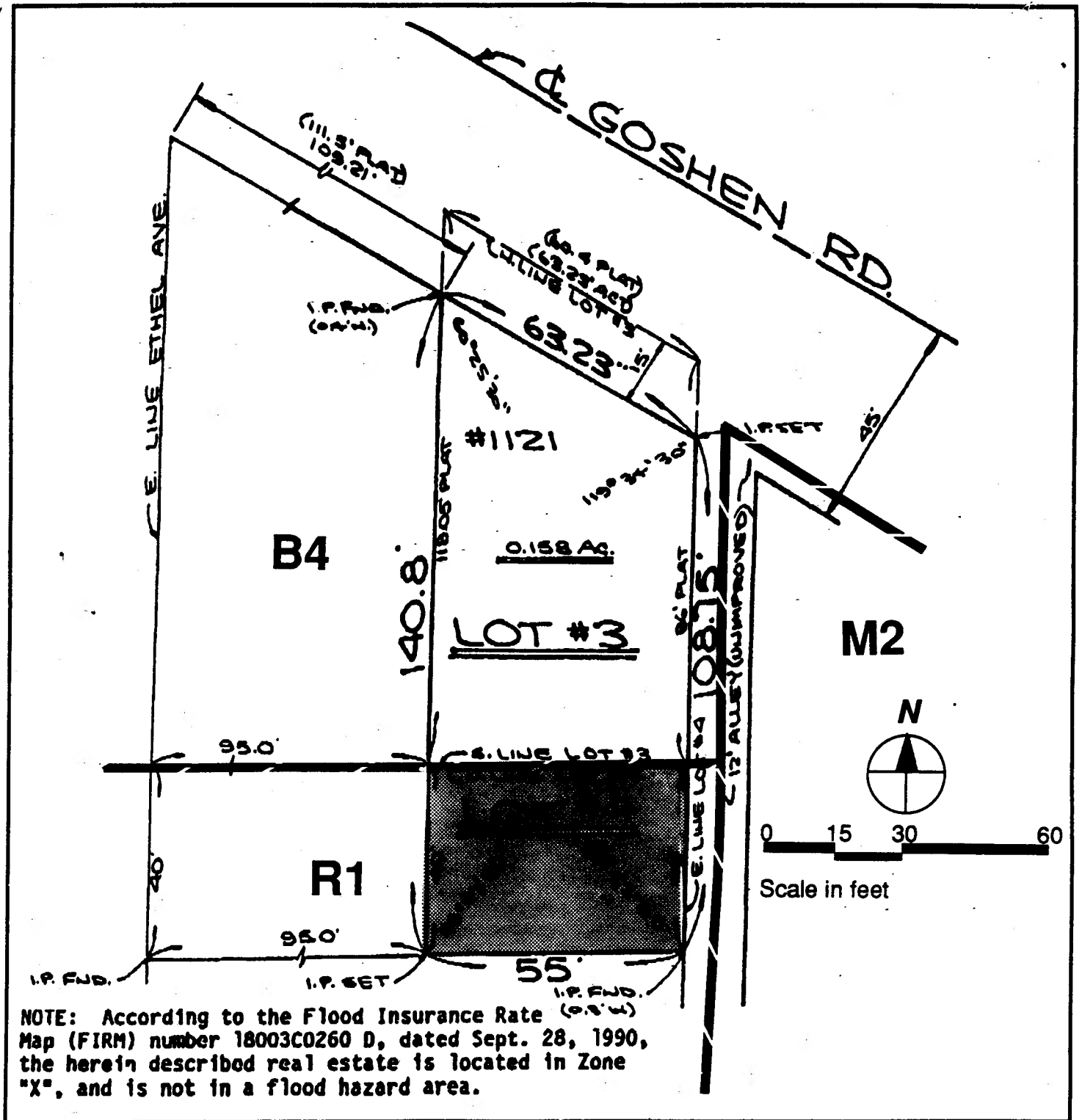
DATED: 1-11-94.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #554



COUNCILMANIC DISTRICT NO. 3

Map No.: K-18
LW 11-22-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District	IA	Interchange Access